

**WASHINGTON
STATE EMERGENCY RESPONSE COMMISSION
(SERC)
MEETING MINUTES**

May 28, 2003

MEMBERS PRESENT

Chief Bob Johnson – Chair
Mr. John Butler – Department of Ecology (Ecology)
Mr. Jim Schoonover – Emergency Management Division (EMD)
Mr. Doug Pierce – Department of Transportation (DOT)
Mr. Gary Gordon – The Boeing Company (Private Sector)
Mr. Neil Clement – Local Emergency Management Directors (LEMD)
Mr. Sam Lorenz – Local Emergency Planning Committees (LEPCs-Eastside)
Mr. Mike McCallister – Local Emergency Planning Committees (LEPCs-Westside)
Mr. John Geppert – Department of Labor and Industries (L&I)

MEMBERS ABSENT

Mr. Milo Straus – Department of Health (DOH)
Ms. Mary Corso – Washington State Patrol (WSP)
Mr. John Wheeler – Local Emergency Planning Committees (LEPCs-Westside)
Ms. Maillian Uphaus – Emergency Management Division (EMD)

EMD STAFF and SERC REPRESENTATIVES PRESENT

Mr. Mark Ligman (EMD)
Ms. Deborah Henderson (EMD)
Ms. Sadie Whitener, Department of Ecology
Mr. Ron Bowen, Washington State Patrol (WSP)

GUESTS PRESENT

Ms. Suzanne Powers, U.S. EPA
Mr. Dan Monaghan, Vancouver Fire Department
Mr. John Fiskien, Snohomish County LEPC
Mr. Rich Tokarzewski, King County LEPC
Mr. Dave Halloran, Island County DES
Mr. Calvin Terada, Environmental Protection Agency, U.S. EPA

CALL TO ORDER

Chief Bob Johnson, SERC Chair, called the meeting to order at 1pm and welcomed SERC members and guests.

ADMINISTRATIVE ISSUES

A motion to accept the January 13, 2003 minutes was made by Mr. Neil Clement, seconded by Mr. John Butler and approved by membership.

NEW BUSINESS

Tier II case study

Presented by Mr. Mark Ligman, (EMD)

Mark Ligman briefed the SERC on an ongoing Tier II enforcement effort in Yakima County. The EPA has imposed a penalty against one of the apple growers for failure to comply with the Tier II reporting requirements. The EPA conducted a facility audit after a release of ammonia was reported from one of the grower's refrigerated storage houses. This particular company was found to have ammonia onsite above the reportable threshold quantity with no filed Tier II report or emergency action plan. When faced with a significant monetary penalty, the company contacted both Yakima Valley Emergency Management and the Washington State Emergency Management Division to solicit their assistance with contesting this fine and obtain information on Tier II reporting requirements. The company representative voiced his surprise at the amount of the fine and that there was no outreach from the LEPC to inform them of this requirement. They also viewed this as an unjustified and questionable tactic by the EPA.

When contacted, Charles Erwin of the Yakima Valley Emergency Management office cited several issues with industry Tier II outreach efforts that are common to all LEPC's:

- The LEPC has a difficult job determining which facilities need to report.
- Short of having a dedicated, staff member visit every business, identification of reporting sites and education will be limited.
- They are not always able to get a list of customers from the distributor of the hazardous material.
- Some trade associations do not assist in educating their members.
- Local (county) agencies are not regulatory agencies and have little involvement with compliance resolution action.
- Political climate may temper the interaction of LEPC's with local industry in various jurisdictions.
- Coordinating with local Fire Departments to reach industry in their jurisdiction has resulted in mixed results.

Mr. Erwin noted that their efforts are to develop a working relationship with businesses and to assist them in meeting their SARA title III obligations. His dilemma is how to develop and maintain this relationship and conduct an effective outreach program.

Ms. Suzanne Powers (EPA) stated that while the settlement of this case is still ongoing, she is excited that this enforcement might lead to a partnering with industry to reach out

and educate this region. It is hoped that with an industry partner many of the barriers encountered reaching businesses will be overcome and result in more facilities coming into compliance with SARA Title III mandates. The SERC stated that they are unaware of the number and extent of enforcement efforts being conducted by the EPA in Washington State. Ms. Powers agreed to provide the SERC with updates on the enforcement cases in Eastern Washington as appropriate and will help coordinate any training efforts that come out of the settlement of these cases.

It was noted that this is a self-reporting program and that the penalties for failure to report under any of the regulatory requirements are substantial. Failure to submit a Tier Two [EPCRA §312] is as much as \$27,500 per day per violation. It is a separate violation to fail to report to each of the three entities – the SERC, LEPC and local fire department, which in this instance was a potential penalty of \$82,500 per day.

The reporting requirements and the mandates of SARA Title III have been in place since 1986 and are well known. In addition to the mandates there are several reporting requirement notifications that are in place that are designed to remind the facility of their responsibility. Sadie Whitener mentioned that a Hazardous Materials Bulletin is included with the packet the Dept of Licensing provides to new businesses when they apply for a business license. Mr. Rich Tokarzewski (King County LEPC) also noted that reporting requirements are included on the Material Safety Data Sheets (MSDS).

While the reporting requirements and SARA Title III mandates are posted, the SERC and LEPC's do recognize the need for an educational outreach. A program designed to reach both industry and fire departments was developed by Snohomish County using hazmat program funds. The initial class was conducted on January 29, 2003 and was provided in two 4-hour blocks. The first four hours were tailored to industry, the second four hours focused on teaching fire departments how to use this data. The response from both industry and fire departments was very positive. This training program is available to any jurisdiction to use. Mr. Sam Lorenz will reactivate the public outreach-working group to develop methods to reach industry and elected officials. This group will consist of Suzanne Powers, Mark Ligman and Sadie Whitener. Mark Ligman and Ron Bowen will develop a method to contact and educate fire departments in the use of Tier II data and to assist in identifying Tier II sites in their jurisdiction.

For further information, contact Mark Ligman at (253) 512-7069 or e-mail: m.ligman@emd.wa.gov

For information on SARA Title III reporting, including Tier II contact Sadie Whitener at (360) 407-6729 or e-mail: swhi461@ecy.wa.gov or go to www.ecy.wa.gov/programs/hwtr/epcra.

For information on EPA enforcement contact Suzanne Powers at (360) 753-9475 or e-mail powers.suzanne@epa.gov

National Association of SARA Title Three Program Officials (NASTTPO)
Presented by Mr. Mark Ligman (EMD)

The National Association of SARA Title III Program Officials (NASTTPO) is made up of members and staff of State Emergency Response Commissions (SERC's), Tribal Emergency Response Commissions (TERC's), Local Emergency Planning Committees (LEPCs), various federal agencies and private industry. NASTTPO conducts an annual conference, which focuses on program responsibilities related to federal hazardous chemical community right to know law (SARA Title III). This conference is one of the only forums to interact with peers from throughout the nation. In addition to state and tribal hazmat program managers, this conference is well attended by FEMA, EPA and U.S. Department of Transportation program directors. The conference addresses all aspects of SARA Title III federal mandate and the implementation of the hazardous materials community right to know program. The conference is held every April with different states acting as host. This year's conference was held in Oklahoma City and was highlighted by the following presentations:

- U.S. Department of Transportation has recently concluded litigation with the transportation industry. This settlement reduces the fee assessed to hazardous materials transporters. Even with this reduction, funding to support state grant programs should remain constant for the next five (5) years.
- Information developed through commodity flow studies and other planning data has increasingly been posted on the web. Some of this information is considered sensitive and is drawing attention and criticism. Program managers are being asked to be sensitive to this fact and consider what is posted on the web.
- Several presentations were made on TIER II and spill reporting requirements. Compliance and enforcement issues were discussed as well as the EPA local reimbursement program.
- Sujiet Shenai from the University of Tulsa gave an outstanding brief on our nation's dependence on computer technology and susceptibility to cyber terrorism.

In addition to the annual conference there is also a mid-year meeting that is held in conjunction with the HazMat Explo conference in Las Vegas. This mid-year conference will be held November 17-21 at the Orleans Hotel in Las Vegas. Further information can be obtained by visiting the Hazmat Explo website www.hazmatexplo.org. Anyone with an interest in EPCRA implementation is encouraged to join the association and attend these conferences. For more information on NASTTPO, visit the website: www.NASTTPO.org. The next annual conferences will be held in Portland, Maine, (2004) and Seattle (2005).

For further information, refer to presentation included as enclosure (1) or contact Mark Ligman at (253) 512-7069 or e-mail: m.ligman@emd.wa.gov

Regionalization of Hazmat Teams
Presented by Mr. Bob Johnson (SERC Chair)

Ms. Mary Corso presented the SERC's recommendation for regionalizing hazmat teams to the Emergency Management Council (EMC). The EMC unanimously supported the SERC moving forward with this initiative. The EMC recommended setting up a multi-agency sub-committee to determine some of the issues and logistics of establishing these teams. The sub-committee would develop policy and determine team parameters (i.e., number of teams and location). The sub-committee would create a matrix of what teams currently exist (private, military, public) and their capabilities. The work output from this sub-committee would be to develop a strategic document on how to build these teams. A technical group would take the issues contained in the strategic document and develop a plan to address the logistic challenges identified with developing and supporting these teams.

Jim Schoonover briefed that there is currently \$20 million that will be passed to the local governments from the Department of Justice grant. This money is available to support the development of hazmat teams. He recommended that a detailed proposal for purchases of equipment and training be developed. This detailed proposal could then be used to access some of this funding.

Bob Johnson recommended that this sub-committee be identified and convene by the end of June to start this process. Bob Johnson will contact Ms. Corso to garner her support in leading this sub-committee.

For further information contact Bob Johnson at (253) 931-3060 or e-mail:
bjohnson@ci.auburn.wa.us

Emergency Management Council (EMC) update
Presented by Mr. Bob Johnson (SERC Chair)

Chief Johnson provided several informational handouts. One was the new Emergency Management Mission Statement, Mission-Essential Objectives and five-year action plan outline. Another was the Minutes of the March 6, 2003 of the Emergency Management Council meeting. Another was the May 1, 2003 Director's Remarks to the Emergency Management Council. The last was an e-mail from Tom Green, Chair of the EMC regarding the EMC Steering Group Report and Special EMC meeting.

For further information contact Bob Johnson at (253) 931-3060 or e-mail:
bjohnson@ci.auburn.wa.us

Strategic Planning Workshop
Presented by Mr. Bob Johnson (SERC Chair)

A strategic planning workshop will be conducted on July 17, 2003. Mr. Joe Huden (Military Dept) will facilitate the workshop. The workshop location and agenda specifics will be provided for all SERC members. The invited attendees will include both primary and alternate SERC members and the chairman of the EMC. If there are any agenda or discussion items members would like added please contact Mark Ligman at (253) 512-7069 or forward via e-mail to m.ligman@emd.wa.gov.

For further information contact Bob Johnson at (253) 931-3060 or e-mail: bjohnson@ci.auburn.wa.us

Upcoming events
Presented by Mr. Mark Ligman (EMD)

Several meeting and training opportunities have been scheduled for the third quarter of this year that will be of interest to the SERC.

Of note:

- May 29, 2003, North Sound Hazmat responders training
- June 14, 2003, Eastside Hazmat exercise (Spokane)
- August 21-22, Tribal Hazmat workshop, Quinault Beach Resort
- June 24-25, 2003, Street-wise Hazmat training sponsored by EPA, EMD, Ecology and WSP
- July 17, 2003, SERC strategic planning workshop

For further information, refer to presentation included as enclosure (2) contact Mark Ligman at (253) 512-7069 or e-mail: m.ligman@emd.wa.gov

AUDIENCE PARTICIPATION

Mr. Mike McCallister of Snohomish County wanted to make note of the significant contribution Frank Bovee (EPA) has made to the state. Through his efforts with the CAMEO and ALOHA programs, emergency response to chemical emergencies has been significantly enhanced. The SERC has submitted a letter to the EPA acknowledging the contribution Mr. Bovee has made.

ACTION ITEMS

- 1) Coordinate the next SERC meeting. **(EMD)**
- 2) Select a replacement for the vacant Transportation Industry representative. **(SERC Chair)**
- 3) Subcommittee reports on strategic objective issues. **(Working Group Chairs)**.
- 4) Mr. Sam Lorenz will reactivate the public outreach-working group to notify industry of the Tier II and spill reporting requirements under SARA Title III legislation.

- 5) Mr. Mark Ligman and Mr. Ron Bowen will develop a method to educate and involve fire departments in Tier II and spill reporting.
- 6) Mr. Bob Johnson will coordinate with Ms. Mary Corso to establish a regional hazmat team sub-committee in accordance with direction from the EMC.
- 7) Ms. Suzanne Powers will provide the SERC with updates on the enforcement cases in Eastern Washington as appropriate and will help coordinate any training efforts that come out of the settlement of these cases.

NEXT MEETING

- The next meetings are scheduled for:
 - September 23, 2003 in conjunction with the WSEMA conference
 - January 7, 2004 location TBD.

ADJOURNMENT

Chief Johnson, SERC Chair, adjourned the meeting at 2:30 p.m.

CONTACT INFORMATION

Interested parties may contact the Washington SERC through:

Mr. Mark Ligman, SERC-LEPC Program Coordinator
c/o Washington State Emergency Response Commission
Building 20, MS: TA-20
Camp Murray WA 98430-5122
(253) 512-7069 voice
(253) 512-7207 fax
m.ligman@emd.wa.gov